

ATTACHMENT C

Action Plan for the Elk River Sediment Total Maximum Daily Load North Coast Regional Water Quality Control Board

Summary of Public Comments received during the 2009 CEQA Scoping Period

Introduction

The North Coast Regional Water Quality Control Board (Regional Water Board) staff conducted a Public Workshop and California Environmental Quality Act (CEQA) Scoping Meeting on a proposed amendment to the *Water Quality Control Plan for the North Coast Region* (hereinafter Basin Plan) to address the sediment impaired condition of the Elk River watershed. The proposed Basin Plan amendment, "*The Action Plan for the Elk River Sediment Total Maximum Daily Load*" presents the regulatory program that staff will bring to the Regional Water Board for their consideration. The proposed amendment is referred to as the Total Maximum Daily Load (TMDL) Action Plan. A staff report describes the Action Plan and presents the technical analysis that supports it.

Regional Water Board staff developed a preliminary draft of the "Watershed Overview" and the "Problem Statement" sections of the proposed Elk River Sediment TMDL staff report. Staff also made available a summary of the identified sources of sediment and the Implementation Plan framework. Together, these documents served as the CEQA Scoping Documents and are available at:
http://www.waterboards.ca.gov/northcoast/water_issues/programs/tmdls/elk_river Comments on the Scoping Documents will be incorporated into the public review draft of the TMDL Staff Report and TMDL Action Plan.

This document summarizes the public comments received during the May 20, 2009 CEQA Scoping Meeting as well as written comments received prior to the close of the CEQA Scoping comment period on June 22, 2009.

Public Comments on the Technical Analyses

- There were comments on the need to incorporate into the TMDL staff report the effects of water diversions on fish habitat availability and water quantity/quality during low-flow summer rearing periods.
- There were comments on the need to ensure sound science as the basis for the TMDL and TMDL Action Plan.
- There were comments regarding the need to avoid generalizations where possible, relying instead on site specific data. Commenters specifically cautioned against making generalizations regarding the mainstem because the upper and lower basins are very different.
- There were comments regarding clarifying the goal of the TMDL

Public Comments on the Implementation Strategy

Framework

- There were comments voicing concern about the potential regulatory and economic burden to ranchers and other landowners resulting from the implementation of the TMDL Action Plan.
- There were comments urging the Regional Water Board to take immediate and aggressive action to control sediment discharges.
- There were comments in support of staff's proposed TMDL Action Plan for sediment because it compliments the Department of Fish and Game's efforts to conserve fish and wildlife resources.
- There were comments regarding the need for clarification on the interaction between the TMDL Action Plan and other Regional Water Board actions taken in the basin, including how the Cleanup and Abatement Orders, Monitoring and Reporting Programs, and other Regional Water Board actions will interface with the TMDL Action Plan.

Grazing

- Commenters suggested making use of programs developed by other Regional Water Boards for the ranching community.
- There were comments asking for flexibility in the identification and prioritization of erosion sites needing control.
- Commenters voiced concern about including discharges to groundwater as an element of the Conditional Waiver.
- Commenters voiced concern about requiring landowners to conduct water quality monitoring.
- There were comments regarding the development, submittal and revision of Ranch Management Plans.

Watercourse Protection Buffers

- Commenters provided recommendations for the criteria necessary to determine adequate stream buffer widths, including how buffers should be measured and geographically applied.

Water Diversions

- There were comments on the need for the mitigation of low summer flows, including incentives for off-site storage.
- There were comments regarding the need for proper fish screening on water intakes.

Permitting

- Commenters suggested collaboration between the Department of Fish and Game and the Regional Water Board to eliminate confusion and reduce regulatory redundancy

Economics

- There were comments regarding the need to consider the economic impacts of the TMDL Action Plan.

Public Comments on the CEQA Scoping Process

- There were comments regarding the facilitation of the May 20, 2009 CEQA Scoping Meeting.
- There were comments regarding the CEQA scoping process, particularly the lack of a technical analysis from which to assess the proposed Implementation Plan Framework and Monitoring Plan.

Public Comments on the draft CEQA Analysis and Environmental Factors

The following is a laundry list of the comments received on the draft CEQA Analysis.

General Comments—

- A separate CEQA process, outside of the scope of the TMDL, should be completed to consider the regulation of discharges to groundwater.
- The EIR should analyze alternatives which do not pose an unnecessary regulatory burden on landowners.
- The EIR should analyze in-channel restoration activities, specifically dredging.
- The EIR should recognize that baseline conditions are the existing conditions and not historical conditions.
- *Aesthetics* – Limiting or potentially eliminating agricultural and timber practices in the valley will be detrimental to the quality of life for all the residence of Humboldt County
- *Agricultural Resources*
 - There needs to be a thorough analysis of the overall economic impact to the residents of the Elk River as well as to the County of Humboldt resulting from the TMDL.
 - The EIR should evaluate the potential for the TMDL to result in the conversion of agricultural land.
- *Air Quality* – No comments received.
- *Biological Resources* – The project would encourage the spread of non-native species if riparian grazing is excluded in riparian zones. Specifically this would accelerate the spread of Himalaya Berry that attacks grasses and other plants that help to filter sediment
- *Cultural Resources* – No comments received.
- *Geology and Soils* – If the TMDL allows additional sediment to be discharged into the already impaired river, it must be justified as benefiting the public good.
- *Hazards And Hazardous Materials* - No comments received.
- *Hydrology And Water Quality* – The current threat of flooding is great and if the TMDL allows additional sediment discharge, it will result in continued harm and effect residents along the river negatively.
- *Land Use And Planning* – No comments received.
- *Mineral Resources*- No comments received.
- *Noise* – No comments received.

- *Population And Housing* – No comments received.
- *Public Services* – No comments received.
- *Recreation* – No comments received.
- *Transportation/Traffic* – No comments received.
- *Utilities And Service Systems* – No comments received.
- *Mandatory Findings of Significance* – The TMDL has a cumulative effect when you look at all the existing regulatory requirements that landowners are already burdened with.

Contact Information

For more information about the Elk River Sediment TMDL and Action Plan, or to submit comments on the proposed Basin Plan amendment, you may contact Adona White at AWWhite@waterboards.ca.gov or 707-576-2672 or Holly Lundborg at HLundborg@waterboards.c.agov or 707-576-2609. Additional information can also be found on the Regional Water Board website at http://www.waterboards.ca.gov/northcoast/water_issues/programs/tmdls/elk_river